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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,030	07/22/2003	Esther C. Fuhrman	103342-49647	9536
26345	7590	11/24/2004	EXAMINER	
GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE 1 RIVERFRONT PLAZA NEWARK, NJ 07102-5497			SANDY, ROBERT JOHN	
			ART UNIT	PAPER NUMBER

3677

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/625,030

Applicant(s)

FUHRMAN ET AL.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11, 12, 14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 8, 10, 13, 15, 16, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/11/2003</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 6, 7, 10-13 and 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as to the following:

In each of claims 2, 6, 10, 11, 13 and 15, recitation of the phrase “magnetic means” renders the claims indefinite since the subject matter associated with the phrase does not distinguish between the magnetic means of the first and/or second bodies.

In claim 3, line 1, there is no antecedent basis for “said magnet means”.

In claim 2, recitation of the claimed subject matter pertaining to “said surface” is indefinite for not distinguishing between the claimed subject matter of “a magnetically attractive surface” of the first body or “a magnetically attractive surface” of the second body.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9, 11, 14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Levy (U. S. Patent No. 5,197,168, cited by applicants). Levy ('168) discloses a jewelry clasp comprising, a first body (4) having a magnetic means (34, 50) forming a flat, planar magnetically attractive surface (flat surface of the magnet) having a north pole and a south pole (magnets inherently possess a north pole and south pole), a second body (6) having a magnetic means (36, 52) forming a magnetically attractive surface (surface of magnet) having a north pole and a south pole, said magnetic means of said first and second bodies being aligned along a longitudinal

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centerline of the clasp, said magnetically attractive surfaces adapted to be positioned in an abutting relationship (see Figures 2 and 5) with the poles of one of the bodies being aligned with the opposite poles of the other body, a safety catch (8), said safety catch having one end pivotally mounted (at 18) to one of said bodies and having a protrusion (end portion having 22, 26, 28, 29) extending outwardly from the other end, said safety catch being rotatable about the pivotal mounting to a latched position wherein the protrusion engages the other body to latch the first and second bodies together;

(concerning claim 2, so far as definite) each magnetic means comprises separate magnets, with one of said separate magnets having a south pole at said surface and the other of said separate magnets having a north pole at said surface;

(concerning claim 3, so far as definite) each magnetic means comprises a bipolar bar (i.e., cylindrical bar)magnet having a north and a south pole;

(concerning claim 4) the safety catch has a generally straight protrusion (portion having leg 28, Fig. 5) and said other body has an opening (opening defined by end surface 56) into which said straight protrusion interfits (see Figures 4, 5, 14 and 15);

(concerning claims 5 and 14) the safety catch has a protrusion having an inward lip (portion 28) that overlaps the other body;

(concerning claim 11, so far as definite) the first and the second body each have one recess (respective bores for containing the magnets, as shown in Figures 2, 3, 5, 6) formed therein and said magnetic means comprises a bipolar bar magnet located in each of said one recess of said first and second bodies, each of said bar magnets having a north pole and a south pole; and

(concerning claims 17 through 20) by Levy ('168) disclosing the claimed jewelry clasp structure, Levy ('168) also discloses the claimed method of completing the connection of a jewelry clasp, said method comprising the steps of: providing a first body having a jewelry chain affixed thereto and having a surface with a magnetic means having a south pole and a north pole aligned along a longitudinal centerline of the jewelry clasp, providing a second body having a jewelry chain affixed thereto and having a surface with a magnetic means having a south pole and a north pole aligned along a longitudinal centerline of the jewelry clasp, joining the first and second bodies together by aligning and facing the north and south poles of one of said bodies

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with, respectively, the south and north poles of the other of said bodies, providing a safety catch affixed to one of the bodies and adapted to be movable to a latched position to engage the other of said bodies when said bodies are joined together to complete the connection of said first and second bodies together; wherein the step of providing a first body and a second with a magnetic means having a north pole and a south pole comprises providing a first body with a bi-polar bar magnet and a second body with a bi-polar bar magnet; wherein the step of providing a safety catch comprises providing a safety catch having a protrusion that extends outwardly and engages the other of said bodies; and wherein the step of providing a safety catch comprises providing a safety catch having a protrusion with an inwardly directed lip that overlaps the other body.

***Allowable Subject Matter***

Claim 23 is allowed.

The following is an examiner's statement of reasons for allowance: concerning claim 23, the prior art of record fails to teach or suggest a method of affixing a thin metal magnet to a body having a recess, having the steps providing a thin metal magnet, forming a bore having a countersunk area in the thin metal magnet; providing a post comprised of a relatively soft material extending upwardly from the recess to a distal end; inserting the thin metal magnet into the recess in the body while aligning the post to enter and pass through the bore wherein the distal end of the post is positioned within the countersunk area, and pressing the distal end of the post into the countersunk area to securely affix the thin metal magnet to the body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 6 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 8, 10, 13, 15, 16, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
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